

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LANDON JOE BLACK,

Defendant.

Case No. CR-23-183-JFH

JOINT MOTION FOR CONTINUANCE

Come now the United States, by and through its attorneys, United States Attorney Christopher J. Wilson and Assistant United States Attorney Anthony C. Marek, and the Defendant, Landon Joe Black, by and through his attorney, Jarred Jennings, and jointly move to continue this case for approximately 60 days, and for entry of an order excluding this time period when calculating the time within which trial must commence pursuant to 18 U.S.C. § 3161(h). In support, the parties would show the following:

1. On or about October 12, 2023, the defendant was charged by indictment with two counts of production of child pornography, 18 U.S.C. § 2251(a) and (e), one count of advertisement of child pornography, 18 U.S.C. §§ 2251(d) and (e), and one count of possession of child pornography, 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2).

2. The United States filed a motion for pretrial detention (Doc. 8), and Defendant requested a detention hearing, which was held on October 30, 2023 before United States Magistrate Judge D. Edward Snow (Doc. 19). At the conclusion of the hearing, the magistrate judge ordered Defendant released with conditions. (Doc. 27.) The United States orally announced its intent to appeal the magistrate judge's release order, (Doc. 24), and filed a summary notice of

appeal the same day (Doc. 23). Pursuant to the district court's order (Doc. 28), the United States filed a brief in support of its appeal on November 6, 2023 (Doc. 34). Defendant's brief is due on November 13, 2023. (Doc. 28.)

3. The United States filed an opposed motion for entry of protective order on November 1, 2023 (Doc. 29), and amended it on November 3, 2023 to attach the proposed order (Docs. 32, 32-1). Defendant filed a response on November 7, 2023. (Doc. 35.) United States Magistrate Judge Gerald L. Jackson scheduled a hearing on the motion for protective order on November 9, 2023. (Doc. 36.) The undersigned attorney for the government moved for a short continuance of the hearing on its motion for protective order due to a scheduling conflict (Doc. 37), and the magistrate judge granted the motion, resetting the hearing to November 21, 2023 (Docs. 38, 39).

4. A continuance is necessary to allow the parties to continue their discussions and litigation concerning discovery, as well as to allow the defense team sufficient time fully to review the discovery materials in the government's possession. Because a substantial proportion of the discovery is contraband that the government cannot disseminate to the defense team, *see* 18 U.S.C. § 3509(m), a continuance is further necessary because the defense team's discovery review must occur at a time that is mutually convenient to a defense attorney, government attorney, and case agent, all of whom maintain high case loads in the wake of the *McGirt* opinion.

5. Accordingly, the parties respectfully submit that "failure to grant . . . a continuance in the proceeding would . . . result in a miscarriage of justice," 18 U.S.C. § 3161(h)(7)(B)(i), and that without the continuance requested here, the attorneys for the defense and for the government would be denied, despite the exercise of due diligence, the reasonable time necessary for effective preparation, 18 U.S.C. § 3161(h)(7)(B)(iv).

Wherefore, the parties respectfully move to continue this case for approximately 60 days and for entry of an order excluding this time period when calculating the time within which trial must commence pursuant to 18 U.S.C. § 3161(h).

Respectfully submitted,

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